WAYS AND MEANS COMMITTEE OF THE SUFFOLK COUNTY LEGISLATURE

Minutes

A meeting of the Ways and Means committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Monday, **April 22, 2002** in the Rose Y. Caracappa Auditorium at 1:30 P.M.

Members Present:

Legislator George Guldi, Chairman Legislator Allan Binder, Vice Chairman Legislator Ginny Fields, Member Legislator Fred Towle, Member

Paul Sabatino, Counsel to the Legislature

Also in Attendance:

Thomas Isles, Suffolk County Planning Department Jim Burke, Suffolk County Real Estate Tom Donovan, Aide to Presiding Officer Tonna Todd Johnson, County Executive's Office Lee Lutz, Campaign Finance Board Christine D. Costigan, Suffolk County Real Estate Joe DeVincent, Town of Huntington Valerie Burgher, Newsday Miriam Zucker, Suffolk County Planning Bill Jones, Suff. Cty. Dept. of Social Services Legislator Vivian Fisher, Dist. #5 Nanette Essel, Aide to Legislator Fisher Eben Brofman, Aide to Legislator Guldi Terri Allar, Suffolk County Real Estate Carolyn Fahey, Suffolk County Economic Development Lt. John Blosser, Suffolk County Police Department Capt. Stuart Cameron, Suffolk County Police Department Basia Braddish, Suffolk County Law Department Jim Morgo, Suffolk County Planning Christine Costigan, Suffolk County Real Estate Tom Isles, Suffolk County Real Estate Phil Bauccio, Suffolk County Risk Management George Kearon, District Attorney's Office

Minutes taken by:

Eileen Schmidt, Legislative Secretary

And all other interested parties

(The meeting was called to order at 1:30 P.M.)

CHAIRMAN GULDI:

The Ways and Means Committee meeting will come to order and a salute to the flag led by Legislator Binder.

SALUTATION

CHAIRMAN GULDI:

Okay. Do we have any cards?

MS. SCHMIDT:

Yes.

CHAIRMAN GULDI:

I have three cards, well, actually, Bill Jones from DSS, Joe DeVincent and Lee Lutz, but actually, Lt. Blosser, why don't you come forward. You indicated that you had some time constraints and I want you guys to get back to what you do. You're here to answer questions on which resolution, you know the number out of order off hand?

LT. BLOSSER:

The resolution numbers?

CHAIRMAN GULDI:

Yeah.

LT. BLOSSER:

Only off your agenda which is 1494 Capital project for appropriating planning funds for construction of a hanger --

CHAIRMAN GULDI:

And 1495 the lease for the police hanger. Those are both issues that regarding Gabreski Airport. Lets go to the first one, the first resolution 1494 is a resolution that I sponsored regarding the --having DPW begin the planning steps for the construction of an aircraft hanger at Gabreski to house the Aviation Division's helicopter. Obviously, after last Tuesday's meeting you're there through December 31, 2002 and thereafter and it's totally appropriate for us to do this for all the reasons that we'll be discussed when we get to 1495. What I want you to put on the record for us is, have you and has the Aviation Division had an opportunity to survey the site and select a location or multiple locations for the Aviation Division helicopter?

LT. BLOSSER:

Yes. Our preferred site would be on the north side of the airport immediately adjacent to the facility that we rented last year and that we're in the process of trying to rent this year.

CHAIRMAN GULDI:

And I know last year you and I talked a lot about the specifications and requirements the department would have for its facility there. Have you been in touch with Ted Godek at the Department of Public Works to provide him with the information about your requirements and available prefab structures that might meet those requirements?

LT. BLOSSER:

Through channels that we sent to our Assist Deputy Commissioner for Finance some generalized requirements, in fact, we gave him kind of two different options, two different directions to go on in addition we've communicated with Keith Larson who works under Mr. Godek with some

information about manufacturers of prefabricated hangers.

CHAIRMAN GULDI:

Okay. Could I ask you if that information is not of a sensitive law enforcement nature to send my office copies of it so that I can distribute it to committee members --

LT. BLOSSER:

Sure.

CHAIRMAN GULDI:

-- so that we can keep up with you in the process while keeping up with DPW?

LT. BLOSSER:

Sure we can do that; it's not sensitive.

CHAIRMAN GULDI:

Okay. I don't have any other questions on this resolution; are there questions by other committee members?

LEGISLATOR TOWLE:

What's the offset?

CHAIRMAN GULDI:

What did I use for an offset --

MR. SABATINO:

This coming from that \$5 million infrastructure account that we had set up.

1494. Amending the 2002 Capital Program and Budget and appropriating planning funds for construction of an aircraft hangar at Francis S. Gabreski Airport (CP 5723.110). PRIME (Guldi)

CHAIRMAN GULDI:

It's not an offset it's from -- that's right we had available funds for this. Okay. There being no questions, I entertain a motion to take it out of order and approve by Legislature Towle, second by myself. Discussion? All those in favor? Opposed? 1494 is approved. **(Vote: 4-0)** Lets go to 1495, Braddish, could you join us on 1495.

1495. Authorizing the lease of premises located at Francis S. Gabreski Airport, Westhampton, New York for the Police Department Medevac Helicopter. PRIME (Co. Exec.)

CHAIRMAN GULDI:

Okay. Just by way of background, in Space Management Committee when a proposed lease for this years operation for Aviation Division was before us and then just for the record so committee member understand, the County Airport leases land to among other tenants a tenant called CMT Construction. CMT Construction of two years ago approximately built ten smaller hangers and one large hanger. CMT last year rented us a part of the use of the large hanger for our Aviation Division purposes. The lease before us -- before Space Management and before us today is the same lease for the same lease space at a reduce rent from the rent that was charged last year. However, in Space Management when we considered the resolution -- the occupancy the

Legislature had only approved the Aviation Division's presence through May 31st?

LT. BLOSSER:

I think it was through September 30th.

CHAIRMAN GULDI:

Through September 30th and now we have approved and the -- against the possibility that we would extend the lease Space Management approved the lease with an option to renew for the additional months of this year. And the lease that's been drafted before us authorizes the lease with the option, but at this point it's clear that we'll need to exercise the option because we're going to be there through year-end. I understand that the option period was at a reduced rent, Counsel, is that right?

MS. BRADDISH:

We'll what was negotiated with Terri Allar was, if it was until the end of the year it would be \$4,000 a month flat rate. Since the resolution was not changed prior to that negotiation the lease was drafted; it was agreed that the first up until September 30th would be for \$4500 and then in the event that it was extended that there was legislative approval the last three months would be \$3,000 a month, which in effect would make it \$4,000 a month from this time period. So if he was going to get the shorter period of time he wanted to be paid a little bit more.

CHAIRMAN GULDI:

All right. The question I have for you is, the resolution 1495 before us merely authorizes the execution of the lease in the former next hereto.

MS. BRADDISH:

Oh, okay.

CHAIRMAN GULDI:

Okay. The thin line for making changes in the resolutions to be still eligible for Tuesday's meeting is what, Counsel?

MR. SABATINO:

Today.

CHAIRMAN GULDI:

Today at what time?

MR. SABATINO:

Well, the Clerk's Office shuts down at five, so I would say, five.

CHAIRMAN GULDI:

Can you amend the lease -- would the attachment to the resolution and amendments to the lease be covered by that time constraint or does it merely have to be a --

ALARM WENT OFF IN AUDITORIUM

--Does anybody want to find out if this is real or should be take a recess? We'll take a recess.

TWO MINUTE RECESS

CHAIRMAN GULDI:

Counsel the problem is this, the lease that's before us because we have changed the timeframes needs some adjustment and negotiation. However, we need occupancy by, what's the date?

LT. BLOSSER:

May 1st.

CHAIRMAN GULDI:

By May 1st we have one opportunity to approve this which is Tuesday, how do we {adjust} the resolution to authorize the County Attorney to negotiate the {adjust} the underlining lease and still meet the May deadline since we have the time to do it?

MR. SABATINO:

Well, there's only two possibilities, one would be to wait and see if the changes occur before not the changes, but the negotiations are completed by April 30th then you can do a certificate of necessity, but Basia is shaking her head like that can't possibly happen so.

MS. BRADDISH:

No. Oh, no, I'll give him a call. I mean, he's very nice I'm sure if I call him I just don't know if he'll be agreeable to it.

MR. SABATINO:

Okay, but assuming that's not a realistic timeframe because --

MS. BRADDISH:

It's only \$3,000 over six months.

CHAIRMAN GULDI:

It's not a material amount in any event.

MR. SABATINO:

Well, I was just going to say that just change the resolution today to just say that you just delegate the authority to, you know, delegate the authority without the constraint of --

CHAIRMAN GULDI:

Change the last resolve to read, resolve the County Executive be hereby authorized to execute a lease and it's take out the words, in accordance with the terms and conditions --

MR. SABATINO:

Right. That's what I'm saying in other words just broaden --

CHAIRMAN GULDI:

Leave in, in accordance with the terms of the conditions of this resolution and take out the words and in substantial conformance with the form annexed hereto.

MR. SABATINO:

Or I was going to say was, in substantial conformance with the form annexed hereto except as to - is it just issue that's opened or it is -- except as to the one issue on the rent, that's what I would suggest. This way you'd still be locked into this agreement except for the one condition which they'd be delegated.

CHAIRMAN GULDI:

And we can get an amended resolution filed by five o'clock adding the words, to except as to rent during the option term? Would that cover your needs Basia?

MS. BRADDISH:

Unless you're asking me to prepare the resolution.

CHAIRMAN GULDI:

No. I mean, would it give you the flexibility you need to adjust the lease? Okay. I'm going -- can you file the amended resolution by five o'clock? You're walking slow, you're thinking about it.

MR. JOHNSON:

The resolution can be amended; I'm not sure if -- are you saying that it has to be amended that you will not approve it as it stands right now and allow us the option to --

CHAIRMAN GULDI:

I think you can always adjust the lease and come back with an amended lease in a second resolution. It seems silly to me to require you to do that; what I'm looking for is a solution --

MR. JOHNSON:

Well, I'm even asking you if you're requiring us to amend it today?

CHAIRMAN GULDI:

Well, if you don't want to use a CN you gotta amend it by five o'clock. Okay, and it takes two more votes to approve it although I don't think you'll have a problem given that it was 18 -0 to approve putting the helicopter there.

LEGISLATOR TOWLE:

Right, you just need this resolved by Tuesday.

CHAIRMAN GULDI:

All right.

MR. JOHNSON:

I just want us to be able to approve either version. If he comes back and says, no, you know when I thought about it.

CHAIRMAN GULDI:

Right. I got a solution.

MR. JOHNSON:

Yes.

CHAIRMAN GULDI:

Motion to discharge without recommendation.

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Okay. Second by Legislator Towle. Discussion? Oh, motion to take out of order and discharge without recommendation. Okay. All those in favor? Opposed? 1495 is discharged without recommendation. (Vote: 4-0) And we'll finish it Tuesday one way or another. Thank you, Lieutenant, and Captain.

LT. BLOSSER:

Thank you.

CPT. CAMERON:

Thank you.

CHAIRMAN GULDI:

I think that deals with those issues. Now Legislator Towle handed me a note.

LEGISLATOR TOWLE:

I have to leave early. Sorry.

CHAIRMAN GULDI:

We're doing the agenda backwards because people are leaving. Motion to take 1486 out of order, second by Legislator Binder.

1486. Approving the appointment of Janine Towle. PRIME (Co. Exec.)

This is a nepotism waiver for one Janine Towle in the County Clerk's -- an employee of the County Clerk's Office. The reason that it's before us is because she works in a non-exempt position in the County Clerk's Office and this is a promotional resolution, am I correct?

LEGISLATOR TOWLE:

Correct.

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

Obviously, he's a poor judge of character I'll tell you that.

LEGISLATOR TOWLE:

I was going to mention something in that regard, but I figured I'd stop while I was ahead and give you guys the opportunity to do it instead and I knew you eat that opportunity up.

LEGISLATOR BINDER:

Anyone that can endure the pain that she must be going through --

LEGISLATOR TOWLE:

Oh, here we go.

LEGISLATOR BINDER:

-- anyone that can endure that deserves our vote unanimously.

LEGISLATOR FIELDS:

(inaudible)

CHAIRMAN GULDI:

Motion to approve by Legislator Fields, second by Legislator Binder.

LEGISLATOR TOWLE:

For obvious reasons, Mr. Chairman, I'm going to recuse myself and abstain, but I appreciate the committee's support and abuse.

CHAIRMAN GULDI:

I didn't see any support I just saw the abuse. All those in favor? Opposed? Legislator Towle abstains. Approved 3-1 -- 3-0-1. **(Vote: 3-0-1-0 Abstain: Towle)**

LEGISLATOR TOWLE:

Yeah, I'd probably be sleeping on the couch tonight.

CHAIRMAN GULDI:

1489. Authorizing use of Smith Point County Park property in 2002 by Bay Area Civic Association and William Floyd Summit for a 5 KM race. PRIME (Towle) Oh, this again. Oh, it's not this it's another one.

LEGISLATOR TOWLE:

Yeah. There's no fireworks; this is actually if you'd recognize me I'd make a motion obviously to approve. It's the second year that the Civic Association of Summit have done the 5 K run. It's around William Floyd Parkway to Neighborhood Road and back into the park. You know that provide insurance as well as a fee to hold the event and the parking lots closed for two hours, a certain section of it, a small section of the parking lot.

CHAIRMAN GULDI:

September 7th is what day of the week, Saturday.

LEGISLATOR TOWLE:

It's a Saturday. They had 228 runners I think last year altogether.

CHAIRMAN GULDI:

Yeah. I'll make a motion to approve; it's appropriate use for the park. Is there a second?

LEGISLATOR TOWLE:

Second.

CHAIRMAN GULDI:

Well, you made the motion to approve.

LEGISLATOR TOWLE:

Yeah, but you can second mine it doesn't matter. I just figured there maybe questions on it so I want to make sure I was here for that.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved. (Vote: 4-0)

LEGISLATOR TOWLE:

Thank you, Mr. Chairman.

CHAIRMAN GULDI:

All right. Let's go to the cards in the order they're submitted at this point because everybody wants to go first. Lee Lutz you're up. Joe DeVincent you're next.

MR. LUTZ:

Thank you, Chairman Guldi and members of the Ways and Means Committee. I wanted to address you on two measures today. The first apparently was tabled at your last meeting and that is 1252 and you will recall that I addressed this body regarding that measure. It is a correction to a mistake that appeared in the legislature that originally created the Campaign Finance Board and mandated a campaign finance program for Suffolk County. And I understand that by 2-2 vote it didn't go anywhere and although I recognize that there's no obligation to answer my question I was going to ask it anyway of Legislator's Binder and Towle as to what reason they would have for voting against this measure and that's what I want to talk about on this bill. And if either would like to answer I'd be happy to hear it otherwise I'll just move on.

CHAIRMAN GULDI:

Legislator Towle.

LEGISLATOR TOWLE:

I'll speak for both us if that's okay with Legislator Binder. I just don't believe Lee, not that I have to answer this, but I just don't believe --

MR. LUTZ:

I understand.

LEGISLATOR TOWLE:

-- in the process of using taxpayer's money to camp -- you know fund campaigns for candidates that I may or may not support. I've not supported this process along the way although I did support allowing the public to make that choice, but I personally do not support. I've been on the record about that and I've been consistent in my votes and I'm going to continue to be consistent. We've tried every way around this, you know, by other proposals that have also come before the Legislature to say we'll take the money from here or we'll charge this person or will charge that person. I just don't support that concept and that's just my opinion on the subject.

MR. LUTZ:

Well, I would only add that although I understand and you've been very consistent in your opposition to the concept for the program that none the less it was approved by the voters and it is the law of Suffolk County and we're asking that the Legislature correct a mistake in that bill in order to make it work better whether you like the idea or don't like the idea.

LEGISLATOR TOWLE:

You've also appeared before the Legislature to support bills that would change how the process is funded which the voters didn't vote on that.

MR. LUTZ:

Yes.

LEGISLATOR TOWLE:

You know so the reality is, you know, if one was going to talk about consistency clearly your

process has not been consistent because when the funding failed to materialize we now invent other ways to fund the program. You know let's make it up as we go along and that's basically what we're doing and I'm not going to support that. I'm not going to support this bill and I'm not going to support that process. Okay.

MR. LUTZ:

Right. Thank you for answering I understand you didn't need to or weren't required to.

LEGISLATOR FISHER:

Mr. Chair although I'm not a member of this committee may I comment on that?

CHAIRMAN GULDI:

Yes. Legislator Fisher you have the floor.

LEGISLATOR FISHER:

I just wanted to clarify that 1252 does not in any way change the funding or create a funding source; that it's only purpose is to correct an error in the original wording regarding the date so it doesn't look for other funding sources at all.

MR. LUTZ:

If there's no other comments --

CHAIRMAN GULDI:

No other comments on that resolution you have a second one that you want to speak on?

MR. LUTZ:

Yes. 1391. 1391 was tabled.

CHAIRMAN GULDI:

It was on and off our agenda; it's on our agenda though it's not written on our agenda. 1391's title. Mr. Brofman do you have it in front of you? I'll find it, go ahead. Go ahead, Lee.

MR. LUTZ

Yeah, there is a correct agenda. It's adopting a local law to facilitate full public disclosure of County Election Campaign Finances. I did address this body and then I made a formal presentation to the Legislature at the public hearing regarding this matter and I will not revisit those issues that I raised. I did want to raise one additional issue at this point regarding this bill and it becomes even more appropriate after the conversation regarding 1252 that's just been held. This is not a measure that basically has anything to do with public financing, with the campaign finance law that was approved in Suffolk County. It is simply a measure intended to facilitate public disclosure of public information, one of the mandates of the law that was approved by the voters of Suffolk County back in 1998. In fact, the law basically requires the Campaign Finance Board to implement a program of as I've been describing it for three years, public disclosure, and partial public financing of campaigns. This measure addresses and has only to do with the public disclosure element of the law. As you may know the Board has been complying and making available information on County candidate campaigns since well almost two years now. We do so by means of requesting copies of the finance disclosure reports that every campaign must file with the Board of Elections on a regular bases according to New York State Law with the Board of Elections we've asked them to make copies of each and everyone of those and provide them to us which they have been doing. Of course, they have other things to

do; they are busy; they have their staffing limitations as well and there have been times when its taken a significant length of time in order to get those copies. This bill would require that candidates running for County office and political committees that are supporting candidates running for County office provide a duplicate copy of that financial disclosure statement that's being sent to the Board of Elections anyway to us. We would therefore get it promptly which would facilitate public disclosure, which is one of the mandates of the Board. It would eliminate the necessity of the Board of Elections to take their time and their materials and their copy machine etc. to make all these copies of these things. It would cost the candidates virtually nothing because they're already making a copy. We're asking them to make another copy and provide it to the Board and the bottom line is as we see it that we're asking that this law be approved in other to facilitate making public, public information. And with that I'll answer your questions should you have any.

LEGISLATOR BINDER:

Mr. Chairman.

CHAIRMAN GULDI:

Yeah. Legislator Binder has a good idea and before he gets lonely I'll ask him to share it with us.

LEGISLATOR BINDER:

Thank you. I appreciate the intent behind this legislation and I think it's a good idea; we should have public disclosure as fast as possible, but I think this unnecessarily perpetuates a bureaucracy. In other words, by having another copy go to your board, your group to do a data impute maybe to put it online or to do whatever you need to do with it continues to create an unneeded bureaucratic waste in this era of high technology. I've asked Counsel to draft and I'm in the middle of going through it now and I will have it timely filed for the next meeting to be put in and I have some people who want to co-sponsor legislation that would require candidates for County office to, well, let me say this, it would require the Board of Election to create system that would allow us and it would also be -- would be directed to file online so that you wouldn't have to wait for anything. In fact, you'd probably be seconds after we filed it online to a secure system that it would be available through a BOE website. You just pull it up and you and everyone else in Suffolk County or anywhere else in the country would be able to pull up our financials pretty much instantaneously. There's no reason for all this paper moving around and so I'm going to try to eliminate that; it would also fulfill a requirement under State law that I think there is that would have candidates also timely file in paper so -- and it would be a lot easier. They're hard to read now; I don't know even my treacherous handwriting sometimes I can't even read. I can understand who is this. If it was all done online it would all be clearly typed out, easily read. It can be printed out cause if you're at a computer you just send it to printer; take that printed copy sign it as an original so you'd have an original signature and we could also have an online signature section and so we'd have instantaneous filing, instantaneous public disclosure. And then if you wanted a hard copy you could always get that because we'll have as a requirement to fulfill New York State Law to also send in timely a hard copy. So you have it postmarked by that date; so the reason why I'm not going to support 1391 is not for lack of desire to see public disclosure I just think we might as well go to the high tech now, why use paper and low tech. And so I'm going to be filing that this week and the only reason I'm not going to be supporting this and supporting another resolution.

CHAIRMAN GULDI:

What do you think of that idea, Mr. Lutz?

MR. LUTZ:

I think it's a brilliant idea.

LEGISLATOR BINDER:

Ouch.

MR. LUTZ:

And I say that humbly because that is something I've been working on for a year. As a matter of fact I have already acquired software to accomplish exactly that. I've dealt well, with many different boards and agencies across the country. Ultimately in an agreement which involved New York City Campaign Finance Board, the New York State Board of Elections and the Westchester County information technology people. I was able to acquire software which in fact I asked information systems here in Suffolk County is -- already has in their possession and they are and have been for about the last month been working on trying to compile this program so that it can accomplish exactly what you just described.

LEGISLATOR BINDER:

Great.

MR. LUTZ:

The -- so in terms of your idea it's brilliant and I fully support it and the Campaign Board will no doubt fully support it because it is exactly something that we would like to achieve. It is in fact, something that is as I recall one of the final paragraphs in our report from July of last year we suggest just that, that electronic filing would be the way to go. However, addressing the more immediate concern you're talking about introducing this bill and obviously, please work with us because we may have in fact already acquired the software we need to do it exactly what you're describing. In the County of Westchester for example county candidates today and since it's almost a year since May of last year have been able to file online; the software already exists. My concern is that you mentioned the bureaucracy knowing how the bureaucracy works it could be some length of time before this could be accomplished. In the meantime the Board still has the problem of acquiring these papers copies from the Board of Elections which takes a great length of time to get our hands on and then uploading and complying the data. I don't see how these should be mutually exclusive; we can do one while working toward the other.

LEGISLATOR BINDER:

Well, first off as you note software exist; it's already being done. This is not going to take --

MR. LUTZ:

This is not a re-invention of the wheel --

LEGISLATOR BINDER:

Right.

MR. LUTZ:

People are doing it all over the country.

LEGISLATOR BINDER:

Right. Also filing deadlines on non-election years, which it (says) in the County generally or at least for Legislators, the County Exec. and other positions in County are very infrequent so there's plenty of time for the -- and we might be talking one report that it would take a little extra effort as you've been getting these copies. They should be able to do this within a year; they're very

sophisticated in terms of their website, of their posting. In fact, our Board of Elections are probably one of the most sophisticated in terms of their ability to get data on to a website quickly and notify people even during an election. It's constantly updated and as you get on to the website you can get that update. This shouldn't take much for them to do or put together so I would think by the time we get into the next election year of next year when the filings are fast and furious or a lot more fast and furious or a lot more filings that's when we need to be able to have it and we should have it online system. In the event that that doesn't look like we're going to have that then I could understand going to paper, but I don't know that there's any particular reason to continue to do that. I think we should go forward with this. See if we can get online as quickly as possible rather than even talking about having some kind of dual bureaucracy and my concern with bureaucracy is that they grow and they have reasons to exist are often hard to get rid of. They give themselves reasons to continue to exist and so I hate to grow a bureaucracy around a certain function which might be hard to get rid of because it creates a constituency and I don't want that and then that's the reason why in some sense it's mutual exclusive. I don't want to build something that's not necessary to build if I thought that the online system would be a fiveyear creation and I would clearly understand even a two year creation I understand that, but this should be fairly painless and fairly quick considering what's out there, what exist in the systems that we have and the people we have at BOE.

MR. LUTZ:

I understand your concern about growing a bureaucracy and I would envision that your concern would be building staff in the Campaign Finance Board which would then no long serve a purpose because it would stop having to do something that the Board of Elections would start doing and that makes sense. I agree with that. I would suggest that we're not going to get any staff this year. As you well know we don't have the resources in our adopted budget to pay for virtually anything. So -- and on top of that although I agree with you that next year 18 Legislators and the County Executive are up for election and it's going to be a big year with lots of activity. In fact, 2002 is going to be a year with some activity for our Board; we do have -- they're two County races, one of which is subject to our law. We do have a participant that has already applied to take part in the program during the course of this election year so we still do need this information and we still do need it promptly and it may even be more important this year because we may have a participant and therefore be monitoring a program.

The other point I would make is this, this obviously, I've just told you I've been working on this for a year this is not a new idea. In a meeting with the -- some staff people at the Board of Elections we brought up this idea over a year ago and the indication there was there was not plan to do it which obviously there was not. The bill you're talking about introducing it not been introduced, but he also -- the response also had to do with the fact that there was no money available to do it with. Now I don't know how much money it's going to take to implement such a program as this. I know that I've acquired software at no cost to the County to do just this. If anything I would like to see 1391 go forward so that we do have the ability to function efficiently this year and that coordination be established and cooperation between our board and the Board of Elections in order to accomplish the program that it seems like we'd both would love to see.

CHAIRMAN GULDI:

All right. Anything else?

MR. LUTZ:

That's all from me.

CHAIRMAN GULDI:

All right. Joe DeVincent is up.

MR. LUTZ:

Thank you.

CHAIRMAN GULDI:

And Bill Jones is on deck.

MR. DEVINCENT:

I'll try to make this very quick. I'm here basically to answer your questions about 1480, which incorporates the Millennium Hills Housing Development in Suffolk County's Affordable Housing Opportunities Program. Beyond that I'd like to express the gratitude and goodwill of the Huntington Town Board which on Tuesday authorized executions of all the documents regarding contracts in this development and is happy to partner and to participate in this County program. Thank you.

CHAIRMAN GULDI:

Joe, question, this was here before us and we approved another step of this project recently is that not correct?

MR. DEVINCENT:

I believe you appropriated the money; this just authorizes the contracts between the Town of Huntington and Suffolk County.

CHAIRMAN GULDI:

So we already appropriated the money now we're authorizing the contracts. Isn't that backwards?

MR. SABATINO:

This appropriates the money; this appropriates \$1.5 million.

CHAIRMAN GULDI:

We already authorized the contract, this appropriates the money.

MR. SABATINO:

Right, it's the other way around.

MR. DEVINCENT:

Well, the Town has seen the contracts that were negotiated and everybody's on board.

CHAIRMAN GULDI:

Okay. Any other questions of the committee members? I don't hear any. We'll get to and soon as we get to it.

MR. DEVINCENT:

Thank you very much.

CHAIRMAN GULDI:

The last card is Bill Jones, what do you got, Bill?

MR. JONES:

Mr. Chairman, I'm Bill Jones, Deputy Commissioner for the Department of Social Services. At the last meeting you tabled resolution 1343 --

CHAIRMAN GULDI:

You mean you're not in the Health Department.

MR. JONES:

I'll never tell. And you had some questions with regard to the 1343 which is the extension of the lease of the Wyandanch Center. This lease would extend our lease at the current location with no improvements for a period of five years with a possibility of five one-year extensions thereafter.

CHAIRMAN GULDI:

Counsel, who asked what the outstanding question was on this.

MR. JONES:

There was a question at the Social Services Committee meeting with regard to the provision of a disclosure statement and it's my understanding that that has been filed.

MR. SABATINO:

Yeah, there were two issue.

MR. JONES:

Yes.

MR. SABATINO:

One was the disclosure statement issue at that time when it was a search for it I believe at that particular juncture was still missing and the other issue that was raised at the committee was whether or not the terms and conditions had changed since this was an extension. That was I think raised by two Legislators. There was a concern about whether the terms and conditions had changed.

CHAIRMAN GULDI:

I have only the lease I don't have a copy of the disclosure. Do you have it in Counsel's office? Or do we know if it's in the Clerk's office? Where is it on file? Do you have it, Bill?

MR. SABATINO:

If it was uncovered it would have been probably filed with the Clerk for distribution. I personally haven't received it, but that doesn't mean it didn't happen. It's just that I wouldn't be the recipient.

LEGISLATOR FIELDS:

(inaudible)

CHAIRMAN GULDI:

Unless it's available here -- I see Terri Allar handing up a document.

MS. ALLAR:

I know it was faxed over the day of the meeting because they called and asked for it.

CHAIRMAN GULDI:

All right. Well, there's only three of us we can share the one copy. Why don't you look at it first, Ginny. Okay. What are the changes in the lease terms on the extension lease? Is it the same rent or is it different? Okay. Now that we got you to take apart your file let see if you can walk with it.

MS. ALLAR:

The current rent is I believe is 16.50 a square foot and that is what I negotiated the first five years at 16.50 a square foot and then five one year options in the sixth year it increased 2.5% to 16.91 a square foot and that would remain 16.91 for year six through ten.

CHAIRMAN GULDI:

What was the range of values your survey indicated for the area for equivalent properties?

MS. ALLAR:

The range was approximately \$10 to 16.83 a square foot.

CHAIRMAN GULDI:

And we're going in at 16.50 --

MS. ALLAR:

16.50 a square foot.

CHAIRMAN GULDI:

So we're at the high. What's the condition of the premises? Withdrawn. How long have we've been at the premises?

MS. ALLAR:

The lease?

CHAIRMAN GULDI:

Yeah. Is it five, ten, twenty, two months?

MS. ALLAR:

I believe it's since 1988. It's a building that was built --

CHAIRMAN GULDI:

All right. Could you describe to me the current condition of the premises?

MS. ALLAR:

I believe the current condition of the building is that it's in good condition. Suffolk County is not having any additional build out added to the building. We're keeping it as is and the rent that the landlord originally wanted was for years one through three at 17.07 a square foot and in year four, five and six increasing to 18.58. We negotiated at the current rent.

CHAIRMAN GULDI:

Counsel, look at the disclosure statement can you express an opinion as to whether or not the -- that particular disclosure statement complies with the requirements of our disclosure law?

MR. SABATINO:

Well, the document is the correct document; the information is basically the answer no on all of the issues, which indicates that it's a sole proprietor so that the information being requested has been responded to.

MR. JONES:

Mr. Chairman.

CHAIRMAN GULDI:

Mr. Jones.

MR. JONES:

I do want to make you aware of something that I just would think you need to be aware of and that is last Wednesday evening there was fire at this facility. However, it was an exterior fire and what happened was that the bushes along one side of the building caught on fire it cracked four of the windows. The landlord was on site the following day or his representative along with their glassier. The windows are going to be replaced, they're cracked, they're not broken in. There was no disruption to our service. There is no impact with regard to the facility that I've been made aware of and I spoke with the centers manager as recently as about, you know, an hour and half ago and she said, you know, the operations inside and the interior space are fine and it was just that a fire of the bushes that were outside. It was primarily contained to the exterior of the building. So I'm not aware of anything that would impede our ability to continue to function there.

CHAIRMAN GULDI:

Okay. Ms. Allar, did the Real Estate Division conduct a survey to see what available alternative sites in the region of this center were --

MS. ALLAR:

No.

CHAIRMAN GULDI:

No. So you didn't do a survey of --

MS. ALLAR:

No.

CHAIRMAN GULDI:

There was a decision to just simply stay at the existing location. Why the five-year term and five-year options?

MS. ALLAR:

Because the Department of Social Services requested that it be a short-term lease.

CHAIRMAN GULDI:

And the reason for the department's request that if be short term, Mr. Jones?

MR. JONES:

Is because with more than likely within that five year period of time and by the end -- by the fifth year on the department will be ready to look at possible expansion of this site along with other renovations, but primarily because the building is in good shape. I mean, the landlord painted the interior about a year ago completely on his own. The HVAC is in pretty deceit shape, etc. So

with all the other projects that the County is -- that the department has going on at this point in time we just felt that we need five years, you know, time and then we will re-evaluate it at that point. Either look for a new site or expand the current facility.

CHAIRMAN GULDI:

Any other questions? Okay. That's the end of the cards, let's go to the top of the agenda. Real Estate Division why don't you come on down.

Tabled Resolutions

1043. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Thomas M. Hudgins and Susan E. Hudgins (1000-128.00-02.00-023.000). PRIME (Co. Exec.) And that's in the Town of Southold. Are we still waiting for the Town on this one?

MR. SABATINO:

The last time it was tabled was for that information, yes.

CHAIRMAN GULDI:

Do you have any response from Southold?

MS. COSTIGAN:

Yes, we did get a response from Southold and they have no objection.

CHAIRMAN GULDI:

They have no objection to our disposing of a private purpose is I thought the purpose of the inquiry is to see if Southold wanted it for public purposes.

MS. COSTIGAN:

And they have no public purpose that they want it for.

CHAIRMAN GULDI:

Hold on, hold on. I want to look at the map for a second. This is a waterfront parcel, right on Peconic Bay Avenue. This is just a right of ways. It's being sold to the adjacent landowner on lot 12?

MR. BURKE:

Yes.

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? You got one. (Vote: 3-0-0-1

Absent: Towle)

1063. Sale of County-owned real estate pursuant to Local Law 13-1976 Ronald Linsalato and Jane Linsalato, his wife (0200-982.90-02.00-028.000). PRIME (Co. Exec.) Brookhaven, Bellport area. This was another waterfront?

MR. SABATINO:

You had asked to take a look on the affordable housing issue and --

CHAIRMAN GULDI:

Oh, yeah. Okay. Do you have a result on that?

MR. BURKE:

We also did another appraisal on it and it was an upwards adjustment on the appraisal and we contacted the perceptive purchase over there (inaudible) agreed to buy at this price. We would ask at this time we need time to --

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN GULDI:

Motion to table and second by myself. All those in favor? Opposed? 1063 is tabled. (Vote: 3-0-0-1 Absent: Towle)

1116. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Robert Mark Keenan (0900-065.00-02.00-003.072). PRIME (Co. Exec.) Town of Southampton. This is a land locked parcel adjacent to the Town of Southampton's Preserved Land. What's this have we had a response from Southampton that they want to add it to the Preserve?

MR. BURKE:

We have not yet -- they have a town board meeting scheduled this week and they said they would address it at that time.

CHAIRMAN GULDI:

Motion to table by myself, second by Legislator Fields. All those in favor? Opposed? Tabled. **(Vote: 3-0-0-1 Absent: Towle)**

1168. Approving a settlement of litigation between the County of Suffolk and Frank Vigliarolo, ET AL. PRIME (Co. Exec.) Is Counsel's office here or on the way?

MR. JOHNSON:

No, he's not on his way; he asked me to (inaudible) --

CHAIRMAN GULDI:

Motion to table.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. All those in favor? Opposed? Tabled. (Vote: 3-0-0-1 Absent: Towle)

1219. Sale of County-owned Real Estate pursuant to Local Law 13-1976 Abart Holding, LLC (0904-001.00-00-01.00-004.001 & 004.003). PRIME (Co. Exec.) Village of Southampton.

MR. SABATINO:

That's been withdrawn, Mr. Chairman.

CHAIRMAN GULDI:

Okay.

1252. Adopting Local Law No. –2002, A Charter Law changing date for candidates to opt into voluntary public financing of County Election Campaigns. PRIME (Fisher)

MR. SABATINO:

Actually, Mr. Chairman, my records show that it was defeated at the last committee.

CHAIRMAN GULDI:

Yeah, there was some confusion on that. It's been on and off our agenda. It was a 2-2.

MR. SABATINO:

Yeah. What happened was the public hearing was closed on March 19th then at the last committee cycle which would have been two weeks ago today which would have been the 8th --

LEGISLATOR BINDER:

It was 2-2 with a motion to approve.

MR. SABATINO:

2-2 --

LEGISLATOR BINDER:

Then it's defeated it shouldn't even be on the --

CHAIRMAN GULDI:

Oh, I'm sorry. So it's previously defeated. Clerk's Office records, you don't have them with you do you. Well, noted as previously defeated. If there are --

1287. Adopting Local Law No. −2002, A Charter Law to reestablish a Suffolk County Department of Real Estate. PRIME (Co. Exec.)

MR. SABATINO:

Public Hearing was closed on April 16th.

CHAIRMAN GULDI:

So you want us to do this, huh? Now Counsel, correct me if I'm wrong the Department of Real Estate formerly existed in Suffolk County and was folded into a division of Real Estate and the Department of Law as a result of certain scandals in the leasing programs of the County, isn't that true?

MR. SABATINO:

On more than one occasion, yes, sir.

MS. COSTIGAN:

It was originally folded into the Department of Taxation and Finance and rolled out from that into the Department of Law and then rolled out from that into the Department of Planning. It keeps getting rolled because it doesn't fit in any other department.

CHAIRMAN GULDI:

Legislator Fields.

LEGISLATOR FIELDS:

This is certainly not personal because you're so new, but I've thought about this and I think since it came out and the more I think about it the more I'm not happy with that change and I think that it should stay in the Department of Planning for all the reasons that we seen over the past several months in the news and all of the -- it just doesn't make sense to do this after what we've gone through and some of the information that we've heard.

CHAIRMAN GULDI:

Legislator Binder.

LEGISLATOR BINDER:

The thing is that there doesn't seem to be enough votes to pass it. I'll make a motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Binder, second by Legislator Fields. All those in favor? Opposed? 1287 is tabled. **(Vote: 3-0-0-1 Absent: Towle)**

1288. Adopting Local Law No. -2002, A Charter Law to transfer the function of selecting Real Property Appraisers to the Division of Real Estate in the County Department of Planning. PRIME (Co. Exec.) That hearing is closed and it's eligible and before us. Counsel?

MR. SABATINO:

The public hearing was closed on the 16th.

CHAIRMAN GULDI:

Okay. I understood what the other one did. Counsel give us a brief description of the impact of this bill. I'm looking at the language as you --

MR. SABATINO:

This would consolidate the entire appraisal designation process in the Division of Real Estate as the outgrowth of one of the many changes that occurred with the old Department of Real Estate being abolished in 1990 and then being transferred back and forth for nearly a decade. One of the functions that was left in one of the places that it was transferred to during that 12 year period was the County Treasurer's Office which at one time for a very short period held Real Estate and what was left there was that the list of appraisers that was being referred to the Legislature for approval to be the master list from which Real Estate would make its selections was technically under the statute coming out of the Treasurer's Office. This would put it all in the Real Estate Division in one place.

CHAIRMAN GULDI:

Didn't this also create affirmative requirement that the list of approved appraisers be reviewed and submitted to the Legislature at least every two years? Is that -- I'm I correct in understanding that from the added language?

LEGISLATOR FIELDS:

No less.

CHAIRMAN GULDI:

Yeah. No less frequently than every two years.

MR. SABATINO:

That would be a corrected copy.

CHAIRMAN GULDI:

No. It's the original copy. The language in sub-division F that I'm referring to is, designation and approval of a pool of qualified appraisers and appraisal firms shall occur no less frequently than every two years. That approval process -- who's doing that approval process isn't addressed in this sub-section. Is that approval process by the full Legislature?

MR. SABATINO:

Well, it would be by resolution. The sentence before it indicates that it'll be submitted by virtue of a resolution --

CHAIRMAN GULDI:

It requires submission of a resolution; it doesn't say where, but this is the only body --

MR. SABATINO:

This is the only body that can do the resolution.

CHAIRMAN GULDI:

Okay. All right. Now I understand it. Motion to approve.

LEGISLATOR BINDER:

Second.

LEGISLATOR FIELDS:

(inaudible)

CHAIRMAN GULDI:

Legislator Fields has a question on the motion.

LEGISLATOR FIELDS:

If it says there shall be within the Division of Real Estate or any successor thereto, a pool of 30 qualified real property appraisers or appraisal firms, whose members shall be designated by the Director of Real Estate with the approval of the County Legislature by duly enacted resolution. So it would really come from the resolution would probably come from the Real Estate Division not us, right?

CHAIRMAN GULDI:

Right. It's submitted to us; we get to kick it around and approve it or not approve it.

LEGISLATOR FIELDS:

Okay.

CHAIRMAN GULDI:

And make requests or suggestions as to any concerns we might have as to the list or the qualifications of the members on the list. Okay. Does that sufficiently address your concern?

LEGISLATOR FIELDS:

Yes.

CHAIRMAN GULDI:

Okay. Any other questions? All those in favor? Opposed? Approved. (Vote: 3-0-0-1 Absent: Towle)

1307. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Jodi L. Rios) (0200-958.00-05.00-005.000). PRIME (Co. Exec.) Town of Brookhaven.

MR. SABATINO:

That was tabled last time, Mr. Chairman, because there was just a little confusion about who the conveyance was going back to. It appeared that it was going back to a mortgagee and you'd request it was just a confirmation on --

CHAIRMAN GULDI:

Yeah. The applicant is Inter Bay Funding, but when a Local Law 16 redemption goes back the County the redemption is still timely, but the County issues a certificate of abandonment back to the record fee owner not the mortgagee. The mortgagee to the extent it has security rights for an indebtedness has to go to Supreme Court to perfect those, is that correct?

MR. BURKE:

That's correct.

MS. COSTIGAN:

That's correct. You had asked us to check if the power of attorney in this instances was current.

CHAIRMAN GULDI:

Yes.

MS. COSTIGAN:

We did and it is.

CHAIRMAN GULDI:

Okay. Thank you. Motion to approve by myself.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

All those in favor? Opposed? 1307 is approved. (Vote: 3-0-0-l Absent: Towle) Let's put it --

motion to put 1307 on the Consent Calendar, we'll do tabled resolutions separately, by myself second by Legislator Binder. All those in favor? Opposed? 1307 is on the Consent Calendar.

(Vote: 3-0-0-1 Absent: Towle)

1312. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Babylon Suffolk County Tax Map No. 0100-039.00-02.00-037.000 pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.)

MR. SABATINO:

This is that HUD issue again, Mr. Chairman. This first rose a year ago.

CHAIRMAN GULDI:

HUD's claiming it didn't get notice.

MR. SABATINO:

But they signed the certified return receipt requested. If you recall last year there were two parcels they proposed abandonment was rejected; there's not only this one, but I think there's another two or three coming up later in the agenda.

CHAIRMAN GULDI:

I'm going to make a motion to approve for the purposes of defeating. Is there a second? There's a second by Legislator Binder.

LEGISLATOR FIELDS:

(inaudible)

CHAIRMAN GULDI:

No. It actually stays on our agenda for six months.

LEGISLATOR BINDER:

If there was no motion at all it would just fail for lack of (inaudible)

CHAIRMAN GULDI:

Right. So I'd rather make a motion for the purpose of defeating. All those in favor? Opposed? Myself, Legislator Binder and Legislator Fields. Defeated 0-3. **(Vote: 0-3-0-1 Absent: Towle)**

MS. SCHMIDT:

Explain the vote, please?

CHAIRMAN GULDI:

The votes in favor is zero; votes opposed were three. Defeated.

1343. Authorizing the extension of a lease of premises located on Straight Path and Wyandanch Avenue, Wyandanch, NY for the Department of Social Services. PRIME (Co. Exec.)

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved 3-0. **(Vote: 3-0-0-1 Absent: Towle)**

1354. Creating Suffolk County Design Commission for a memorial to the residents of Suffolk County who died in the Terrorist Attacks on September 11, 2001. PRIME (Co. Exec.)

LEGISLATOR BINDER:

Mr. Chairman, do you know if the changes were made to add or hoping they'd be more specific about having firefighters, police officers, victims --

CHAIRMAN GULDI:

I don't have a corrected copy.

MR. SABATINO:

My records don't show a corrected copy unless it was filed today.

CHAIRMAN GULDI:

Have you heard on this resolution?

MR. JOHNSON:

Yeah. This resolution seeks to create a committee which will be formed and then report back to the Legislature on its findings concerning a -- establishing a memorial for all residents not just fire rescue and safety personnel, but those civilians of course who tragically lost their live in the World Trade Center Disaster on September 11th. As you can see by the committee composition the Presiding Officer and the County Executive do have two appointees each and we feel that all communities and everybody involved will be represented on the commission.

LEGISLATOR BINDER:

I guess my question is why can't we be more specific? It's nice to feel that everyone at least covered, but it would seem to me that we can kind of breakdown a task force to say that maybe some victims and their families that are -- can be represented that are not part of the firefighter or emergency services and police community then those that are in the police community and in other words you can kind of do it across the board and make sure that we're covered rather than saying because we -- the Presiding Officer and the County Executive have the ability to appoint whoever they want that it'll happen. I'm just saying as I said at the last meeting I would be a lot more comfortable to know that it was very specific in this bill that the people who will be picked will certainly represent specific parts of the community that have been touched and effected particularly those that have been touched and effected directly by this tragedy. It would just give us more comfort so if you had the County Executive would appoint two people in this category and the Presiding Officer in another category that would be fine too, but this way we know who not who specifically, but who in terms of their background and their connection to 9-11 would be on this task force so we'd understand and be confident that there would be the proper sensitivity to all issues. My real concern, we see memorials all over the country and often not always, but often when a memorial suggestions go forward for whatever reason someone wasn't thought of or some how someone was left out and then a -- and especially with something as sensitive as this particular event I don't think we want to run the risk of dissention, of division, of someone feeling like they didn't have a say that it doesn't represent what happened to them. I think if we just took a little extra time and thought about who we want on there rather than afterwards saying we're going to be covered because everyone's got an opportunity to put someone on. Just forethought so we can be comfortable that when this thing -- when the people who sit down there are done with this everyone's represented and if something's left out it's because the people who represented that particular part of the community didn't voice their concern and we can point to that. So I would say that I'd be a lot more comfortable if it was very specific; it's a couple of -- put some heads together over at the County Exec's Office and thought about what are the different aspects, what are the different people that need to have an impute and say so that when the suggestions come over to us that we don't -- we at least minimize the chance of divisiveness.

MR. JOHNSON:

All right. Well, you see we did think about it and what our thoughts were were that there are a --was a plethora of memorial commissions who are working towards specific issues concerning the fire protection, the safety personnel, the fire, police and so forth, but we wanted to do is create something more general that really encompassed all the communities not limited, not focused and not be specific, but a general memorial to everyone who was involved in that day. And as you can see that the committee that's going to be formed here will report back to not only the County Executive, but the Legislature with its final reports and certainly you'll have an opportunity then to make any impute or criticism there, but this is the committee that we'd to form.

LEGISLATOR BINDER:

Okay. So then maybe it can be done on this end and I don't want to do that because this causes a division from the two sides of the street over something -- maybe we can do it then. It would seem to me we can form a very general I'm not saying specific either. If all of the parts of the community were on this then we would have this general memorial. I'm just saying that everyone has to have impute; I'm not guaranteed of that to through this legislation. I'll ask one more time I'm going to table it this time if you guys can't come back with something that does have that thought out that has all those people on it to form a general -- give us a general memorial, but has all the aspects. If you can't do that then my guess is that it's going to come from here and that doesn't do anybody any good because now we have division between the two sides of the street on something an event like this, it's unnecessary. I'm asking and so we're going to table. I'm going to make a motion to table this time; I'm asking that you come back with something more specific.

MR. JOHNSON:

Okay. Like I said I think we've thought about it and this is the commission that at this time we're presenting to you.

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Binder, second by myself, don't want it to be defeated. All those in favor? Opposed? Tabled. **(Vote: 3-0-0-1 Absent: Towle)**

1355. Amending the 2002 Capital Budget and Program and appropriating funds in

Connection with planning for a memorial for the victims of the September 11th Terrorist Attacks (CP 1773). PRIME (Co. Exec.) Motion to table by Legislator Binder, second by myself. All those in favor? Opposed? **(Vote: 3-0-0-1 Absent: Towle)**

1391. Adopting Local Law No. -2002, A Local Law to facilitate full public disclosure of County Election Campaign Finances. PRIME (Cooper)

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Fields.

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Binder. I'll second the motion to table. It takes three to tango. All those in favor? Opposed? 1391 is tabled. **(Vote: 3-0-0-1 Absent: Towle)**

1392. Initiating process for courtroom expansion at Cohalan Court Complex in Central Islip. PRIME (Bishop)

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder.

LEGISLATOR FIELDS:

On the motion.

CHAIRMAN GULDI:

On the motion, Legislator Fields.

LEGISLATOR FIELDS:

Can we just hear a review of what this actually does from Counsel?

MR. SABATINO:

Yes. This is an outgrowth of a legislative initiative that took place in 1998 when the Legislature commissioned an outside independent study by a firm known as Milito Associates to evaluate what the courtroom needs would be in Suffolk County. What they came up with in terms of a report was that there should be ten new courtrooms at the Cohalan Court Complex in Central Islip and that was a report that was issued in June of 1999. Then they did a supplement to the report, which indicated that overall there should be, 18 courtrooms. Eight should be in Riverhead and ten should be in the Cohalan Court Complex and they made a suggestion that the County consider accommodating a proposal that had been made by Touro Law School which apparently is in the process of relocating from its Huntington site to the Central Islip site and the recommendation, I'm sorry, the suggestion I should say from Touro Law School with the proposal was that they would lease between two and four courtrooms. As I said, the consultants report said that that something that you might want to consider in the context of the overall plan of 18 courtrooms

and this legislation would direct the Space Management Steering Committee to consider that Touro Law School proposal that was submitted in September of 2001. And to also look at any other options to see what makes the most sense and then report back to the Executive and the County Legislature within 90 days to see if it's viable or if some alternative option is viable.

LEGISLATOR FIELDS:

And who's paying for --

MR. SABATINO:

It's kind of jump start the process causes it's basically kind of fallen by the wayside since the report and the last document that I saw was there was a -- Touro Law School just contacted the County and said, you know, we're willing to do this. This resolution I think is an attempt to really jump start that and just get somebody to take a look at it and see if it makes any sense.

LEGISLATOR FIELDS:

But whose actually paying for it?

MR. SABATINO:

Well, in the Touro proposal the County would lease the courtrooms from Touro so the County would be paying Touro whatever would be negotiated at the end --

CHAIRMAN GULDI:

But actually the letter in the backup asked for \$25 a square foot.

LEGISLATOR FIELDS:

Who's building it? Who's paying to build the building?

MR. SABATINO:

Well, you mean the Touro the facility they're proposing, Touro would be building. They would be paying for their own building, right.

LEGISLATOR FIELDS:

So they're paying to build and then we would lease the courtrooms.

MR. SABATINO:

Well, their proposal if you go back to the initial point which is that if you believed the Milito report if you agree I should say that there should be ten courtrooms in Central Islip and eight in Riverhead there's different ways to get to ten. What Touro Law School is saying is one way to get to ten is that they might lease two or four and then have the County build eight or six. It's being suggested as an option; I think this would be just and evaluation stage not a commitment to actually implementing them.

LEGISLATOR FIELDS:

Well, if it's not a -- this letter is from Touro.

CHAIRMAN GULDI:

Can I make an observation? This bill doesn't spend any money. Ask Space Management to do a study, evaluate the needs and give us a report back. Space Management Committee includes Budget Review, Chairman of this committee, Chairman of Public Works, two representatives of the County Executive, Real Estate and etc. It's the right way place to do the working study and while I have a rather broad basic cynicism about the proposed transaction I think I'm going to

urge my colleagues to support the resolution in to the extent that it says go forth Space Management Study and report. So well, I share the cynicism about the transaction of renting space for 15 years at \$25 a square foot when it cost substantially less I hope than \$200 a square foot to construct it. Space Management is the place to do the analysis and review for both of need and cost. I'll make a motion to approve.

LEGISLATOR FIELDS:

Okay.

CHAIRMAN GULDI:

Okay. All those in -- wait a minute. It's a Bishop bill let me think. No. All those in favor? And I just discovered that Binder is an alumnus, which is even more cause for cynicism, but I will make a motion to approve none the less. All those in favor? Opposed? 1392 is approved. **(Vote: 3-0-0-1 Absent: Towle)**

1393. To Authorize a lease for relocation of the Coram Health Center from 3600 Route 112, Coram, New York to Joseph and Christine Martirano d/b/a Martirano Organization for the Suffolk County Department of Health Services and the Suffolk County Department of Social Services. PRIME (Foley)

LEGISLATOR FIELDS:

Motion to approve.

MR. SABATINO:

This has to be tabled.

CHAIRMAN GULDI:

This was tabled in Space Management it needs to be tabled --

MR. SABATINO:

This has to be tabled until for two things, one a public hearing and secondly, for finalization of the lease agreement.

LEGISLATOR FIELDS:

Okay. Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by myself. All those in favor? Opposed? 1393 is tabled. (Vote: 3-0-0-1 Absent: Towle)

1405. Adopting Local Law No. -2002, A Local Law to shorten deadline for sale of land sold at public auction. PRIME (Bishop)

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN GULDI:

Motion to table for public hearing, second by myself. All those in favor? Opposed? Tabled.

(Vote: 3-0-0-1 Absent: Towle)

1424. Authorizing the Director of the Division of Real Estate, Department of Planning

to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southold, Suffolk County Tax Map No. 1000-135.00-03.00-010.000 pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.) This is a certificate of abandonment in the Town of Southold.

MR. SABATINO:

1424 is Babylon. It's in Babylon; it's on County Road 48. The allegation is that there was inadequate or improper or no notice to the prior owner of record who is Madeline Armstrong.

CHAIRMAN GULDI:

We unfortunately have to wait for a quorum. Legislator Binder stepped out for a moment.

LEGISLATOR FIELDS:

On this one they have a receipt from the post office signed by a G. looks like French, do we know who that is? Oh, oh, it's explained on other page 103.

MR. SABATINO:

Yeah. This is the one where they --1424 the claim is that there was no notice.

CHAIRMAN GULDI:

Do we know who -- the last recipient?

LEGISLATOR FIELDS:

Yes. Well, I mean, it says on the attachment if you get to page 103.

CHAIRMAN GULDI:

Right.

LEGISLATOR FIELDS:

It says we notified Madeline Armstrong; we would be taking a tax deed. She owned the property until '64 sold to William Herman '72 Herman sold to Gaser who sold to the present owner Bush in '95. Someone by the name of G. French signed for M. Armstrong, but in as much as M. Armstrong was two owners back she couldn't have know where and to whom to forward the notice even if she wanted to do so. Thus no notice was given to Gaser.

CHAIRMAN GULDI:

What was the year that we took the deed for 1988 taxes?

LEGISLATOR FIELDS:

'85 to '86.

CHAIRMAN GULDI:

So that was -- '72 Herman sold to Bobby Gaser, so Gaser owned it -- okay, it was two owners back. Okay. Motion to approve by Legislator Fields, second by myself. All those in favor? Opposed? 1424 is approved 3-0. **(Vote: 3-0-0-1 Absent: Towle)** 1425, oh, what was the one you wanted taken out of order, the number -- what's the number you need Mr. Kearon?

MR. KEARON:

1472.

CHAIRMAN GULDI:

1472 is approving the promotion of Assistant District Attorney Mary Kate Mullen.

PRIME (Co. Exec.) This is before us because she is related to Judge Mullen. Mr. Kearon, join us for a second? The question I always ask in terms of the promotions is, is this promotion part of an ordinary promotion for people of her time and service in grade or this one extraordinary in any way?

MR. KEARON:

No, this is part of a comprehensive overall raise program that we submitted to the County Executive and to the Presiding Officer because Ms. Mullen is the daughter of Michael Mullen she had to come this route rather than be approved by them.

LEGISLATOR FIELDS:

Who's Michael Mullen?

CHAIRMAN GULDI:

He's a judge in the court system.

LEGISLATOR FIELDS:

And how come she's not here?

MR. KEARON:

Who, Ms. Mullen?

CHAIRMAN GULDI:

I haven't asked for her to be present.

MR. KEARON

I didn't know her presence would be required.

LEGISLATOR FIELDS:

I would make a motion to table because we have been talking for the past year that anyone who comes before us for anything should either appear or -- and how many times has she been promoted in the past?

MR. KEARON:

She joined the office in 1995. I think she was promoted twice, but I'm not entirely sure.

CHAIRMAN GULDI:

Yeah, my recollection is at least two other waivers have appeared on her. Legislator Fields, with respect to the requiring the presence, the presence of nominees to serve on committees has been required routinely --

LEGISLATOR FIELDS:

You're right. I take that back.

CHAIRMAN GULDI:

-- in my memory required any of the nepotism waiver candidates to appear before us in the last several years. I'd like to make a motion to approve this I think it's appropriate.

LEGISLATOR FIELDS:

She's had two promotions since '95?

MR. KEARON:

In seven-year, yes, but so have several people in that office.

LEGISLATOR FIELDS:

Did they all have a relative?

MR. KEARON:

I'm sure they have relatives.

CHAIRMAN GULDI:

Everyone by definition does have a relative whether or not that relative is in government service.

LEGISLATOR FIELDS:

In that department was the full sentence.

CHAIRMAN GULDI:

Is there a second on the approval? Second by Legislator Binder. Further discussion? All those in favor? Opposed? Approved.

MR. KEARON:

Thank you.

CHAIRMAN GULDI:

Thank you. Go back to 1425 which is a --

1425. Authorizing the Director of the division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-055.00-01.00-007.000 (Item No. 15-25240) pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.) A certificate of abandonment for a HUD property. We have then the notice signed off and received by HUD.

MR. SABATINO:

Yes. This certified return receipt request was signed at 26 Plaza which is where they are.

CHAIRMAN GULDI:

Motion to approve for the purposes of defeating by myself. It's a HUD property where they claim they didn't get the notice cause it's the same situation.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. Discussion? All those in favor? Opposed? Myself, Legislator Binder, Legislator Fields. Defeated 0-3 and one absent. **(Vote: 0-3-0-1 Absent: Towle)**

1426. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (William Howard and Lena Howard, his

wife) (0100-083.00-02.00-127.000). PRIME (Co. Exec.) The Local Law 16's before us are all of a matter of right and timely filed? Is that correct?

MS. COSTIGAN:

That's correct.

CHAIRMAN GULDI:

Okay. A motion to approve and place on the consent calendar by myself for

- 1427. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Hearthstone Realty Corp.) (0200-227.00-06.00-008.000). PRIME (Co. Exec.)
- 1428. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Rose Valenti, as Surviving Tenant by the Entirety) (0200-979.00-06.00-074.000). PRIME (Co. Exec.)
- 1429. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Rose Valenti, as Surviving Tenant by the Entirety) (0200-980.70-06.00-039.000). PRIME (Co. Exec.)
- 1430. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Willard Clemons and Mary Clemons, his wife) (0400-142.00-01.00-095.000). PRIME (Co. Exec.)
- 1431. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Desiree Williams-Wells) (0100-009.00-01.00-014.000). PRIME (Co. Exec.)
- 1432. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Darlene Williams, Administratrix of the Estate of Beatrice L. Bennett) (0200-746.00-03.00-004.000). PRIME (Co. Exec.)
- 1433. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Sam Rocca, Administrator of the Estate of Maria Rocca, Maria D. Rocca, Maria Rocca Gallo) (0200-983.20-01.00-035.000). PRIME (Co. Exec.)
- 1434. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Louis V. Leggio and Joseph Leggio, as Joint Tenants with Right of Survivorship) (0500-366.00-03.00-036.000). PRIME (Co. Exec.)
- 1435. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (George W. McLain, V. and Angela C. McLain as Tenants in Common) (0100-083.00-01.00-072.000). PRIME (Co. Exec.)
- 1436. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (George W. McLain, V. and Angela C. McLain as Tenants in Common) (0100-083.00-01.00-073.000). PRIME (Co. Exec.)

- 1437. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Gloria E. Smith, as Surviving Tenant by the Entirety) (0100-212.00-01.00-019.000). PRIME (Co. Exec.)
- 1438. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (EAV Properties Corp.) (0200-849.00-01.00-015.000). PRIME (Co. Exec.)
- 1439. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act (Muriel C. Soares) (0500-290.00-03.00-035.000). PRIME (Co. Exec.)

MR. SABATINO:

And it stops there.

CHAIRMAN GULDI:

Stops there. Motion by myself.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. All those in favor? Opposed? Those resolutions are approved and place on the Consent Calendar. **(Vote: 3-0-0-1 Absent: Towle)**

1440. Sale of County-owned real estate pursuant to Local Law 13-1976 Miloslav Machac and Miloslava Ann Mervart as Trustees under the Miloslav Machac Living Trust (0500-171.00-01.00-069.000). PRIME (Co. Exec.) Let's take a look where are we on this one. I need to find by --

MR. SABATINO:

The appraised value was 2,000 this is a direct sale to an adjacent owner at 6,000 with no other bidder.

CHAIRMAN GULDI:

No other bidder the parcel is --

MR. SABATINO:

In Bohemia.

CHAIRMAN GULDI:

I see it's a land locked parcel in the middle of a larger parcel. It's approximately 30 by 80 in dimensions. Is that correct?

MR. BURKE:

That's correct.

MS. COSTIGAN:

That's correct.

CHAIRMAN GULDI:

And the bid is at or about our appraised value?

MS. COSTIGAN:

It's well, it's three times the appraised value.

CHAIRMAN GULDI:

Motion to approve by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved. (Vote: 3-0-0-1 Absent: Towle)

1441. Sale of County-owned real estate pursuant to Local Law 13-1976 Robert M. Takats and Marie Takats (0200-975.80-04.00-048.000). PRIME (Co. Exec.) This is a two-bid situation.

MR. SABATINO:

The winning bid is 7500; the property was appraised at 6500. The losing bidder bid 7000.

CHAIRMAN GULDI:

I'm looking at the backup of the Hagstrom and the tax map and I don't see the indicated parcel.

MS. COSTIGAN:

Do you see the entry of Dungan Avenue?

CHAIRMAN GULDI:

Yes, I see that.

MS. COSTIGAN:

Well, just go down from the E on Avenue and there's a 48 next to it. There's no arrow.

CHAIRMAN GULDI:

48 is one of the small lots?

MS. COSTIGAN:

Yes. See there's a 48 just below the E on the east or west side of Dungan Avenue.

CHAIRMAN GULDI:

48 I see it.

MS. COSTIGAN:

48.

CHAIRMAN GULDI:

It's like three down. Okay. It's a small parcel so approximately 100 by -- I can't tell how wide

these are, but it looks like 100 by 25?

MS. COSTIGAN:

100 by 200 by various; it's not regular.

CHAIRMAN GULDI:

Oh, I see 48 covers a lot of the smaller parcels.

MS. COSTIGAN:

That's right.

CHAIRMAN GULDI:

Are these paper streets or real streets?

MR. BURKE:

I believe they are paper streets.

CHAIRMAN GULDI:

All right. Let me put the question this way, is this parcel developable as a stand-alone parcel and if not, why not?

MR. BURKE:

It'll be sold with the restriction that it can not be independently developed.

CHAIRMAN GULDI:

That wasn't my question. My question is, is it a developable parcel if it were sold without a restriction?

MR. BURKE:

It doesn't meet the current zoning of the Town of Brookhaven for a single-family lot. Could somebody come in and try to do something with it --

CHAIRMAN GULDI:

Legal and separate.

MR. BURKE:

I'm not aware of that, of a single separate status.

CHAIRMAN GULDI:

You said it's 100 by 200; it's a half-acre.

MR. BURKE:

It's various, yeah. It does look like a decent size lot, but you know, it is sold with the restriction that it cannot be developed.

CHAIRMAN GULDI:

What's the lot the adjacent owner has?

MR. BURKE:

He's the piece on Lenox. He's the piece that fronts on Lenox.

MS. COSTIGAN:

To the west.

MR. BURKE:

He's on 58.

CHAIRMAN GULDI:

Lot 58, so he's buying it through the block to create a 200-foot wide -- it creates an acre.

MR. BURKE:

Yeah.

CHAIRMAN GULDI:

Is lot 58 developed or is it vacant?

MR. BURKE:

That I don't know.

CHAIRMAN GULDI:

It is adjacent to the -- it's adjacent to the railroad tracks. Is there a motion?

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion to approve by Legislator Binder, second by Legislator Fields. Okay. All those in favor? Opposed? You got it. **(Vote: 3-0-0-1 Absent: Towle)**

1442. Sale of County-owned real estate pursuant to Local Law 13-1976 Chip Zoegall and Lori Zoegall (0800-087.00-05.00-008.001). PRIME (Co. Exec.) One bid at 2300.

MR. BURKE:

It's slightly above the appraisal.

CHAIRMAN GULDI:

This tax map is a real eye sore. I can't read the copy I have at all it's all faded out. Tell me the physical features in the parcel.

MS. COSTIGAN:

The parcel is 12 feet wide and 214 feet long.

CHAIRMAN GULDI:

12 feet wide, you could put a bowling alley in there. You could use if for -- no, too short for a shooting range. Motion to approve by Legislator Fields.

LEGISLATOR BINDER:

Second.

CHAIRMAN GULDI:

Second by Legislator Binder. All those in favor? Opposed? (Vote: 3-0-01 Absent: Towle)

1458. Approving maps, authorizing the acquisition of lands together pursuant to Section 206 of the Eminent Domain Procedure Law, and license pursuant thereto, in connection with the acquisition of properties for drainage improvements on C.R. 76, Town Line Road, Town of Smithtown, Suffolk County, New York (CP5039). PRIME (Co. Exec.)

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Binder.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? So is that a motion to approve and put on the Consent Calendar?

LEGISLATOR BINDER:

Yes, it was.

CHAIRMAN GULDI:

Okay. So a second approved and place on the Consent Calendar.

1466. Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development and authorizing the County Executive to execute agreements. PRIME (Co. Exec.)

LEGISLATOR BINDER:

Motion to approve and place on the Consent Calendar.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

So we should take the money and not give them back property. All those in favor? Opposed? Approved. **(Vote: 3-0-0-1 Absent: Towle)**

- 1467. Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for a Home Investment Partnerships Program and authorizing the County Executive to execute agreements. PRIME (Co. Exec.) Same motion, same second, same vote. (Vote: 3-0-0-1 Absent: Towle)
- 1470. Accepting and appropriating 100% grant funds the New York State Department of Labor to fund the Job Placement & Retention Program. PRIME (Co. Exec.) Same motion, same second, same vote. (Vote: 3-0-0-1 Absent: Towle)
- 1471. Authorizing the County Executive to enter into a cooperation agreement with

the Town of Huntington for funding under the Home Investment Partnership Program pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990. **PRIME (Co. Exec.)** Is that the one that says the appropriating bill was spoken on before?

MR. SABATINO:

No, no, that was a different bill, you approved that one. This is just separate initiative to try to get more federal aid which will then increase, I think it's -- it will increase the County share by \$375,000 for projects in Huntington as I understand it.

CHAIRMAN GULDI:

If we get the grant money, but how much is the grant money we're seeking? It doesn't seem apparent from the face of the bill. Is that a 20% program or a 10% program? I don't see any specific projects.

MR. SABATINO:

I don't the answer to that.

CHAIRMAN GULDI:

Can you address this? Come on down. What do we get for this?

MR. JOHNSON:

This actually the presentation is a victim of the change in the timeframe for the committee today and I don't think Joe Sanseverino is back yet from an earlier meeting. He was scheduled to come here about 3:30. Anyway what I think this is going to do this is going to allow the Community Development Agency to qualify for an additional \$310,000 in funding from the Federal government. This will be set aside for initiatives in the Town of Huntington.

CHAIRMAN GULDI:

I'm a firm believer in buying dollars for dimes every time we can. Motion to approve by myself.

LEGISLATOR BINDER:

Motion.

CHAIRMAN GULDI:

Motion to approve by Legislator Binder, second by myself. All those in favor? Opposed? 1471 is approved. (Vote: 3-0-0-1 Absent: Towle)

1472. Approving the promotion of Assistant District Attorney Mary Kate Mullen. **PRIME (Co. Exec.)** Previously, approved.

1477. Amending the 2002 Operating Budget and appropriating funds from the adopted fund balance for Fund 038 – Self Insurance to pay the County's insurance premiums and claim expenditures. PRIME (Co. Exec.) How much are you taking, Phil. How much are you taking, Phil?

MR. BAUCCIO:

(inaudible)

CHAIRMAN GULDI:

Ooh, a lot of money. Come forward. Is this appropriation for previously authorized settled cases or is this or are you putting it in the pot for stuff you'll be ringing up next year?

MR. BAUCCIO:

What this was this was money that was requested in the 2002 budget. You did put it into the 2002 budget and but what happened was the appropriation was then reduced and the money was left in the fund balance. So it's money that's there that I will not be able to spend unless you appropriate it. Okay. It basically, what you did in the budget process or what the Legislature did in the budget process is reduce the expenditure by \$11 million while still funding the amount that we needed to operate. Two things have happened one, as a result of 9-11 our insurance premium are up approximately \$1.2 million over what we expected that, but we did put it in the budget, but it's up over last situation and that was included or parts of it were included in the request even though my request was put in ahead of time. And that was because we knew the insurance market was tightening. We didn't how much and certainly 9-11 affected it also.

The second part of that is that when we do our budget it's based on a actuarial projection that tells us what we anticipate spending during the course of the year and that's on each line of insurance inclusive of the worker's compensation, anticipated auto liabilities, general liabilities, etc. etc. The only one that we're not to good in is in the medical malpractice area where we try to come up with a number, but that number could be way off or right on the money depending on the situation. For some years we settled a lot some years we don't settle any of them. Based on what we're looking at right now if this year goes as we anticipate we will be out of money by September or October in terms of appropriation to spend and so our expenditures while the money will still be in the fund balance I will be able to spend it because you did move it into that situation.

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Fields. Phil, I'm looking at this report the un-numbered pages I can't really help you, there's a table of remaining liabilities as of 12/31/01.

MR. BAUCCIO:

That report is issued annually, okay. It's an actuarial project and by the way that's only the first chapter of a book that's about this thick, okay.

CHAIRMAN GULDI:

Yeah, but I'm looking at the numbers of projected for 2001 and prior 2000-2001.

MR. BAUCCIO:

Right. You're looking at table Projected Path.

CHAIRMAN GULDI:

Remaining liabilities as of 12/31. It's a -- I'm looking at a 258 - \$277 million figure, \$271 million figure.

MR. BAUCCIO:

Okay. Yes.

CHAIRMAN GULDI:

And I'm going ah.

MR. BAUCCIO:

Yes. What that is based on, okay, we put in in our computer system, in our tracking system we put in a reserve number on each case on every case that we expect to pay out. That is the number okay, un-discounted okay, remember we don't put money aside so therefore I can't catch any investments out of it. Our total anticipated liabilities are 270 some odd million dollars based on that situation for all things inclusive. I'm talking about workers compensation and general liabilities for all the claims that are existing out there right now.

CHAIRMAN GULDI:

That's our reserve amount that's not --

MR. BAUCCIO:

No.

CHAIRMAN GULDI:

-- the claims amount?

MR. BAUCCIO:

That is the reserve amount that is not the amount we are going settle on or, you know, that's, but that is our anticipated pay out if everything went to where we thought it would go.

CHAIRMAN GULDI:

If everything went to trial and went as expected.

MR. BAUCCIO:

That is correct.

CHAIRMAN GULDI:

Wow. And that's over and you can expect that to resolve in approximately five-year timeframe.

MR. BAUCCIO:

Depends on the situation. With workers comp that's an infinitum number because that might take 30 years to resolve it. Everybody would have to die off as of today. Okay, you know, over the next 30 years. In other words, if we had no more claims as of today and everybody died off over the next 30 years it would take 30 years to run it all out. If in fact, on our general liability claims usually, the pay out timeframe on that is seven years. So if we had no more claims as of today and we just ran out all the claims we had over the next seven years we would expect to pay the general liability portion.

CHAIRMAN GULDI:

I see the adjacent column --

SPEAKER:

(inaudible)

CHAIRMAN GULDI:

-- sorry, I'll get to you in just a second -- is discounted at 5%. You've got in that column you've got 238 discounted to 150 and 271 discounted to 171 that's not 5% the way I understand it.

MR. BAUCCIO:

The way the actuary works it and this is -- that's an actuarial projection situation. If we were to put the money aside over the time that the claims came in, okay, and we were to invest in it 5% then we would only have \$150 million necessity of, you know, our liability would be only \$150 million because by the time we paid it out we'd make up in interest the rest of that money.

CHAIRMAN GULDI:

Okay.

MR. BAUCCIO:

And that's based on last July which is really before the interest rates even dropped further.

CHAIRMAN GULDI:

Budget Review, have you had an opportunity to review this report and information?

MR. SPERO:

No. Just the reason the Omnibus Committee moved this money to fund balance is that we wrote in our report we we're able to get any cooperation from the Department of Civil Service in reviewing their request expenditures for the self insurance fund. So what we suggested doing since we couldn't get that cooperation we'll move the money to fund balance and appropriate the funds during the year as it was needed and hopefully at that time we could get a second bite at the apple. We have not reviewed the appropriations in this resolution --

CHAIRMAN GULDI:

My question is, did you review this material and are these appropriations fact up with the documentation sufficient to give you the information due?

MR. SPERO:

We haven't reviewed the appropriations in the resolution as of yet.

CHAIRMAN GULDI:

You have not as of yet. Okay. Legislator Binder is next with questions and then Legislator Fields.

LEGISLATOR BINDER:

I understand that now the reason why you put it in fund balance, but fund balance is looked at also by the rating agency isn't it? Let me ask Budget Review.

MR. SPERO:

Usually, for the general fund. The Moody's for example put the County on credit watch because they felt we didn't have sufficient reserves in our tax stabilization reserve fund to cushion the County in case of an economic decline and they would like to see, you know, upwards of 100 - \$150 million in that fund; this is not the same thing.

LEGISLATOR BINDER:

They don't add this to then?

MR. SPERO:

No. We can only have a reserve for the general fund according to general municipal law. This is strictly to pay the insurance cost.

LEGISLATOR BINDER:

In other words, it was anticipated to be spent it was just put in a sense put aside because of the problem with getting it permission.

MR. SPERO:

Correct.

LEGISLATOR FIELDS:

When do you need this money?

MR. BAUCCIO:

It's operating money so, I mean, between now and I would say August, September we're going to expend what we have available appropriated. I would say by October as I'm looking at now, you know, and I don't have the figures with me and if I did I'd certainly would share them with you, but I figured based on October the 1st somewhere around there is when our appropriations is going to run out.

LEGISLATOR FIELDS:

Then why aren't we looking at it closer to October?

MR. BAUCCIO:

Well, we get into the new budget cycle and the problem becomes, you know, getting a resolution through and the way situations operate we must make certain continuous payments such as in workers compensation. If we have a settlement we'd have 90 days to make those settlements, but workers compensation is an ongoing situation and our money will run out around September 30th.

LEGISLATOR FIELDS:

Couldn't you get a CN if we needed it?

CHAIRMAN GULDI:

The monies not going to run out in the next three weeks though.

MR. BAUCCIO:

No, not in the next three weeks.

CHAIRMAN GULDI:

So I'm going to make a motion to table and ask Budget Review to review the legislation, the appropriations recommended it. Ask for and review the backup to those appropriations and report back to the committee on our next cycle as to the support for the proposed resolution.

MR. BAUCCIO:

That's fine.

CHAIRMAN GULDI:

Okay. Is there a second on my tabling motion?

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor? Opposed? 1477 is tabled for the

next cycle. Jim you'll let Phil know what you need and will see you next cycle same time same station. (Vote: 3-0-0-1 Absent: Towle)

MR. SPERO:

Yes.

CHAIRMAN GULDI:

1480. Authorizing acquisition of property under Suffolk County Affordable Housing Opportunities Program (Millennium Hills 0400-254.02-01.00-001.000 through 084.000; Town of Huntington). PRIME (Co. Exec.) Motion by Legislator Binder, second by myself. Discussion? All those in favor? Opposed? Approved 3-0. (Vote: 3-0-0-1 Absent: Towle)

1482. Authorizing the extension of a lease of premises located at 375 Commack Road, **Deer Park, NY for the Second District Court. PRIME (Co. Exec.)** Did we review this in Space Management, Jim do you remember?

MR. SPERO:

I was looking through the packets this morning I thought we had approved this, the Second District Court renovations are underway, aren't they? I mean, a long time ago. I'm thinking of the courthouse in Huntington on 110.

LEGISLATOR BINDER:

This is not; this is Commack Road.

MR. SPERO:

Second District Court is Babylon.

LEGISLATOR BINDER:

This is in Deer Park.

MR. SPERO:

Deer Park, okay.

CHAIRMAN GULDI:

Deer Park on 110. Route 110, Farmingdale. I see the landlord is Route 110.

LEGISLATOR BINDER:

375 Commack Rd.

CHAIRMAN GULDI:

Ah, got me with the same thing. Okay. Basia.

MS. BRADDISH:

This is -- we're in the process of doing a new lease for a new premise in Lindenhurst, but this is to extend the existing lease while the new one is being built.

CHAIRMAN GULDI:

My question was, did we do this in Space Management, I don't remember it.

MS. BRADDISH:

Yes, we did.

CHAIRMAN GULDI:

Was that approved by Space Management?

MS. BRADDISH:

Yes.

CHAIRMAN GULDI:

Motion by Legislator Binder, second by myself. Discussion? All those in favor? Opposed? 1482 is approved. **(Vote: 3-0-0-1 Absent: Towle)** I believe we've covered the agenda. Any other matters to come before the committee? Have an exec. session, Phil or no. I don't see Counsel from the County Attorney's -- we have a sense resolution? None. We stand recessed.

Executive Session started at 3:22 P.M. and ended 3:35 P.M.

(Having no further business the Ways and Means Committee was adjourned at 3:35 P.M.)

{ } denotes spelled phonetically.